

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

VICTOR MARMOLEJO,
a/k/a "Michael,"
a/k/a "Andy," and
FRANK MEDINA,
a/k/a "Flaco,"

Defendants.

INDICTMENT

20 Cr.

20 CRIM 001

COUNT ONE

(Narcotics Conspiracy)

The Grand Jury charges:

1. From at least in or about October 2019, up to and including on or about December 11, 2019, in the Southern District of New York and elsewhere, VICTOR MARMOLEJO, a/k/a "Michael," a/k/a "Andy," and FRANK MEDINA, a/k/a "Flaco," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that VICTOR MARMOLEJO, a/k/a "Michael," a/k/a "Andy," and FRANK MEDINA, a/k/a "Flaco," the defendants, and others known and unknown, would and did distribute and possess with intent to

distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that VICTOR MARMOLEJO, a/k/a "Michael," a/k/a "Andy," and FRANK MEDINA, a/k/a "Flaco," the defendants, conspired to distribute and possess with intent to distribute was one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT TWO

(Narcotics Distribution)

The Grand Jury charges:

4. On or about December 11, 2019, in the Southern District of New York and elsewhere, FRANK MEDINA, a/k/a "Flaco," the defendant, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

5. The controlled substance involved in the offense was 500 grams and more of mixtures and substances containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT THREE

(Narcotics Distribution)

The Grand Jury charges:

6. On or about December 11, 2019, in the Southern District of New York and elsewhere, FRANK MEDINA, a/k/a "Flaco," the defendant, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

7. The controlled substance involved in the offense was mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

8. As a result of committing the controlled substance offenses alleged in Counts One through Three of this Indictment, VICTOR MARMOLEJO, a/k/a "Michael," a/k/a "Andy," and FRANK MEDINA, a/k/a "Flaco," the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offenses and any and all property used, or intended to be

used, in any manner or part, to commit, or to facilitate the commission of, said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

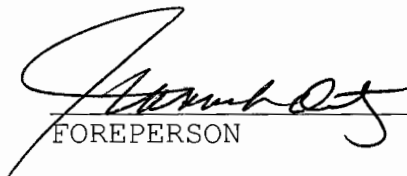
SUBSTITUTE ASSET PROVISION

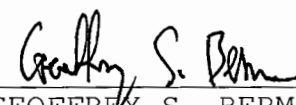
9. If any of the above described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)


FOREPERSON


GEOFFREY S. BERMAN
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(21 U.S.C. §§ 812, 841, 846, 18 U.S.C. § 2)

GEOFFREY S. BERMAN
United States Attorney


Foreperson

Filed Indictment
case assigned to Judge Rakoff

Stewart D. Aaron
U.S.M.J.

1/2/2020
KV